

**FILED**  
JUL 06 2010

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

Sandra Sanchez,

CIV. NO.: 10-4084

Plaintiff,

vs.

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Sanford Clinic, Sanford Orthopedics &  
Sports Medicine and Timothy J.  
Leeburton,

Defendants.

COMES NOW the Plaintiff, Sandra Sanchez, by and through her counsel of record, and for her causes of action against the defendants herein, hereby states and alleges as follows:

**JURISDICTION**

1. Jurisdiction of this Court exists pursuant to 28 U.S.C. § 1332 in that the matter in controversy herein exceeds the sum of Seventy-Five Thousand (\$75,000) Dollars, exclusive of interest, costs and disbursements and that the controversy is between citizens of different states.

2. That at all times material hereto, plaintiff Sandra Sanchez is a citizen of the State of Texas residing at 1515 Royal Crest Drive, #3307, Austin, TX 78741.

3. That at all times materials hereto, defendant Sanford Clinic, Sanford Orthopedics & Sports Medicine and Timothy J. Leeburton were all citizens and residents of the State of South Dakota doing business in the City of Sioux Falls.

4. That at all times material hereto, Sanford Clinic was a South Dakota corporation engaged in the business of a medical clinic, including operating an entity known as Sanford Orthopedic & Sports Medicine, and were engaged in the business of providing medical care including surgery; that Timothy J. Leeburton was an agent and employee of Sanford Clinic and Sanford Orthopedics & Sports Medicine, engaged in the practice of orthopedic surgery.

### **CLAIMS**

5. That on July 21, 2008, defendant Timothy J. Leeburton performed surgery on Sandra Sanchez which included an endoscopic carpal tunnel release of her right hand and wrist. In performing said surgery, Dr. Leeburton negligently departed from the standard of care for an orthopedic surgeon under the same or similar circumstances in that he cut plaintiff's median nerve at the level of the recurrent motor branch.

6. As a direct result of defendant's negligent surgery and the injury to plaintiff's median nerve, she has sustained a significant injury which is permanent in nature and which has and will in the future cause pain, suffering and emotional distress; that she has been and will in the future be caused to expend sums of money for medical care and treatment; that her earning capacity has been and will be impaired.

7. That at the time of the surgery, Timothy J. Leeburton was acting in the scope of his actual, express, apparent, and/or implied authority, as well as with acting within the scope of his employment duties. His conduct was reasonably foreseeable and therefore imputable to Sanford Clinic and Sanford Orthopedics & Sports Medicine under the doctrine of Respondeat Superior; pursuant to said doctrine, Sanford Clinic

and Sanford Orthopedics & Sports Medicine are responsible for the negligent conduct of Dr. Leeburton.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against the Defendants as follows:

1. For compensatory, general and special damages in excess of Seventy-Five Thousand (\$75,000) Dollars in an amount to be determined by a jury to compensate Plaintiff for all injuries sustained as a result of the conduct of the Defendants.
2. For Plaintiff's costs and disbursements herein.
3. For prejudgment and post-judgment interest.
4. For such further relief as the Court deems proper, including Plaintiff's attorney's fees and costs in this action.

DATED: July 1, 2010

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-and-

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**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby respectfully demands a trial by jury on all issues.



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Stephanie E. Poehop